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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/753,906	01/07/2004	Jason M. Mayeroff	MAYEROFF03-03	5647
7590	10/04/2004		EXAMINER	
Anderson & Morishita, L.L.C.			NGUYEN, KIM T	
Suite 102			ART UNIT	PAPER NUMBER
2725 S. Jones Blvd.			3713	
Las Vegas, NV 89146				

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/753,906

Applicant(s)

MAYEROFF, JASON M.

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/15/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1, 6-8, and 10-14 are objected to because of the following informalities:
  - a) In claim 1, line 4, the claimed limitation “player” should be corrected to “play”.
  - b) In claim 1, line 5, the claimed limitation “prompting of play” should be corrected to “the prompting of play”.
  - c) In claim 1, line 7, the claimed limitation “winning outcome to issue” should be corrected to “winning outcome, issuing”.
  - d) In claim 1, line 8, the claimed limitation “to randomly select” should be corrected to “randomly select”.
  - e) In claim 1, line 12, the claimed limitation “selection of a secondary game” should be corrected to “the selection of the secondary game”.
  - f) In claim 1, line 13; and claim 8, line 2, the claimed limitation “secondary awards” should be corrected to “secondary game awards”.
  - g) In claim 6, line 3, the claimed limitation “a plurality of awards” should be corrected to “the plurality of secondary game awards”.
  - h) In claim 6, line 4; and claim 7, line 3, the claimed limitation “the secondary game award” should be corrected to “the selected secondary game award”.
  - i) In claim 10, line 2, the claimed limitation “the award value display at least one” should be corrected to “an award value displayed at one”.

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- j) In claim 11, line 3, the claimed limitation “a secondary game award” should be corrected to “the selected secondary game award”.
- k) In claim 12, line 2, the claimed limitation “moveable display and indicator” should be corrected to “moveable of said secondary game display and said indicator”.
- l) In claim 13, lines 1-2, the claimed limitation “secondary game display” should be corrected to “said secondary game display”.
- m) In claim 13, line 2, the claimed limitation “select said secondary game award” should be corrected to “select one of said secondary game awards”.
- n) In claim 14, line 9, the claimed limitation “a secondary game trigger condition” should be corrected to “said secondary game trigger condition”.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slomiany et al (US patent No. 6,159,098) in view of Bennett (US patent No. 6,224,482).
- a. As per claim 1 and 13-14, Slomiany discloses an electronic gaming apparatus comprising a processor 40 (Fig. 1b); a primary game display (col. 3, lines 10-12); means for accepting a

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wager (col. 3, lines 24-26); the processor randomly selects and displays indicia at the primary game to define an outcome and issuing an award for a winning outcome (col. 3, lines 23-26; and col. 4, lines 34-42); a secondary game display 24 (Fig. 5) displays a plurality of secondary game awards, the processor selects and displays a secondary award and issuing the secondary game award to the player (col. 7, lines 11-24). Slomiany does not disclose randomly select triggering a secondary game or not triggering the secondary game independent of the primary game outcome. However, Bennett suggests randomly triggering a bonus game independently of the primary game outcome (col. 3, lines 49-53). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to randomly activate the secondary game of Slomiany independently with the primary game outcome as taught by Bennette in order to create unexpected effect after the primary game.

b. As per claim 2-5, Slomiany discloses using an electronic video display for the primary game and secondary game (col. 3, lines 20-21), or using different video display for different game (col. 3, lines 16-19). Further, an electro-mechanical display would have been well known type of display.

c. As per claim 6, Slomiany discloses controlling the indicator means 32 (Fig. 5) for processing through a plurality of awards, and selecting an award (col. 7, lines 17-24).

d. As per claim 7-12, using a wheel with a plurality of segments representing awards and indicator for selecting and displaying an award value, including a plurality of electro-mechanical indicators for selecting awards would have been well known to a person of ordinary skill in the art at the time the invention was made.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

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Date: September 30, 2004



**KIM NGUYEN**  
**PRIMARY EXAMINER**